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PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Michael J. GREENSIDE, et al.

Confirmation No.: 3308

Application No.: 09/976,997

Examiner: Lee, J. J.

Filing Date: 10/11/01

Group Art Unit: 2831

Title: COMPACT PERIPHERAL COMPONENT INTERCONNECT KEYED FILLER PANEL

Mail Stop Appeal Brief - Patents
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TRANSMITTAL OF REPLY BRIEF

Transmitted herewith is the Reply Brief with respect to the Examiner's Answer mailed on 05/05/06.

This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new ground rejection.)

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Respectfully submitted,
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant: Greenside et al.

Patent Application

Serial No.: 09/976,997

Group Art Unit: 2831

Filed: October 11, 2001

Examiner: Lee, J.

For: Compact Peripheral Component Interconnect Keyed Filler Panel

REPLY BRIEF

In response to the Examiner's Answer mailed on May 5, 2006, Appellants respectfully submit the following remarks.

REMARKS

Appellants are submitting the following remarks in response to the Examiner's Answer. In these remarks, Appellants are addressing certain arguments presented in the Examiner's Answer. While only certain arguments are addressed in this Reply Brief, this should not be construed that Appellants agree with the other arguments presented in the Examiner's Answer.

Item 1 of the Examiner's Response to Argument

In item 1 of the Examiner's response to the Appellant's argument (please see page 6 of the Examiner's Answer), the Examiner argues that "the claimed language states that 'a locating element coupled to said filler panel body' and that a locating element (post 16f) of Radloff is coupled to said filler panel body (14) of Radloff as Claimed. Appellants respectfully assert that this statement mischaracterizes Radloff. In particular, Appellants do not understand Radloff to anticipate a locating element coupled to the filler panel body. In contrast, Appellants understand Radloff to teach, describe and suggest an elevated post coupled to a chassis. Whether or not the filler panel body of Radloff can be attached to the chassis is irrelevant.

Appellants point out that the Claim in question clearly features a keyed filler panel assembly comprising: a filler panel body; and a locating element coupled to said filler panel body. Thus, the keyed filler panel is the assembly. The Claim does not include a chassis as a portion of the keyed filler panel assembly. Therefore, as clearly shown in the Figures and clearly described in the specification, the keyed filler panel assembly comprises a locating element regardless of the keyed filler panel assembly's attachment to anything such as a chassis. (emphasis added)

This is clearly different than Radloff. The filler panel of Radloff does not comprise a locating element. The computer chassis of Radloff comprises an elevated post 16f and a tab

16g are defined in the shelf 16d in proximity to the access point B, for locating and retaining the filler panel 14 relative to the access point. Appellants respectfully submit that the Examiner's interpretation of the Claim language is fundamentally flawed. If, as the Examiner states, the Claim is anticipated by Radloff because the filler panel of Radloff can be attached to a chassis having a post element thereon, then utilizing that same logic Radloff anticipates every filler panel combination humanly or otherwise possible.

For example, if a Claim submitted that a filler panel assembly comprised a disk portion, would the Examiner suggest that Radloff anticipates the disk portion because the filler panel can be attached to a computer chassis that has a hard drive therein and as such the filler panel disk portion is anticipated.

If that is the case, then there is no limit to Radloff's anticipation. For example, using the same reasoning Radloff would anticipate a filler panel with an air conditioner coupled thereto. That is, the filler panel can be coupled to a chassis, which is coupled to a floor, which is coupled to a wall having an air conditioner therein. As the examples grow in magnitude it becomes quite obvious that the interpretation of the Claim as provided in the Office Actions and the Examiner's response is incorrect and, as such, should be withdrawn.

In view of the above remarks, Appellant continues to assert that Radloff does not anticipate "a keyed filler panel assembly comprising: a filler panel body; and a locating element coupled to said filler panel body," as claimed, for reasons provided herein and previously presented in the Appeal Brief.

Item 2 of the Examiner's Response to Argument

In item 2 of the Examiner's response to the Appellant's argument (please see page 6 of the Examiner's Answer), the Examiner argues the claimed language having "assembly" allows, the post 16f to be included in the assembly. Appellants respectfully again assert that

the Claim language is misunderstood by the Examiner. Appellants respectfully submit that the Claimed feature is “a keyed filler panel assembly.”

That is, the Claim is not to an assembly, but to a keyed filler panel assembly. As the Examiner has stated, the Claims are interpreted in light of the Specification. In the Figures and Specification, the keyed filler panel assembly is clearly shown and described. Appellants respectfully submit that they understand the assembly of Claim 1 is recited in open-ended claim language. However, the open-ended claim language does not mean that every item coupled to, or capable of being coupled with, the assembly is therefore part of the Claimed assembly.

For example, if a car with an air conditioner was claimed and the claim recited: a car and air conditioner assembly comprising:

a frame, a seat coupled with said frame; at least four tires coupled with said frame; and an air conditioning unit coupled with said frame.

Using the Examiner’s suggested Claim analysis method, the car and air-conditioner assembly would be anticipated by a garage, within which a non-air conditioned car could be parked, connected to a house with an air-conditioning unit therein. For the same reason this example is invalid, Appellants respectfully submit that the Examiner’s use of Radloff as anticipation is invalid.

Moreover, Appellant respectfully points out that Claim 4 further provides the feature “wherein said locating element is coupled to said filler panel body at a location such that said locating element will insert into a mounting hole disposed on said chassis.” This dependent Claim further supports the Figures and the Specification and the Claims of the Independent Claim 1. That is, the Claim 4 clearly illustrates the Examiner’s misinterpretation of Claim 1. Specifically, there would be no reason for claiming a mounting hole disposed on a chassis


into which a filler panel with a locating element can be inserted if the locating element were a part of the chassis as the Examiner has stated. In other words, the claimed feature of a mounting hole disposed on a chassis into which a locating element can be inserted clearly supports the differentiation of the features of Claim 1 when compared with Radloff. In other words, the features of Claim 1, the Specification, the Figures and the Dependent Claims all teach a keyed filler panel assembly comprising: a filler panel body; and a locating element coupled to said filler panel body. Thus, the keyed filler panel assembly locating element can be inserted into the mounting hole disposed on the chassis.

In view of the above remarks, Appellant continues to assert that Radloff does not anticipate “the keyed filler panel assembly comprising: a filler panel body; and a locating element coupled to said filler panel body,” as claimed, for reasons provided herein and previously presented in the Appeal Brief.

Respectfully submitted,

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Date: 7/05/06



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